



PHIL BREDESEN
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
6th FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

BRUCE OPIE
COMMISSIONER

December 6, 2010

Dr. Thelma Meléndez de Santa Ana, Assistant Secretary
Office of Elementary and Secondary Education (OESE)
Headquarters - LBJ Education Building
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Meléndez de Santa Ana:

I am writing on behalf of Tennessee to request a six month waiver of 34 C.F.R. § 200.32(f)(1), to allow local educational agencies (LEAs) within Tennessee with Title I schools that were newly identified as in school improvement in school year 2010-2011 to offer supplemental educational services (SES), in lieu of public school choice, to eligible students in Title I schools. These Title I schools are those identified as in the first year of school improvement. LEAs will count the funds providing SES to eligible students toward meeting the LEA's 20 percent obligation under C.F.R § 200.48.

This waiver is needed because Tennessee implemented new content standards and assessments for grades 3 through 8 and high school for which Tennessee set achievement standards during summer 2010. This has resulted in a delay of final AYP determinations until mid year. This delay hampers the ability of LEAs to modify staffing levels and change transportation systems. In addition, the education of many students could be impacted by changing teachers in the middle of the year.

Tennessee hereby assures that, if the requested waiver is granted, Tennessee will ensure that it will implement the waiver only with respect to those LEAs that will meet all statutory and regulatory requirements related to public school choice and SES in the 2010-2011 school year (other than the particular requirement being waived). Tennessee will provide all LEAs in the State with notice and reasonable opportunity to comment on this request for a period of ten days. Tennessee will also provide notice and information regarding this waiver request to the public by posting the information regarding the waiver request on its web site. (See attached copy of public notice). All comments will be forwarded to the U.S. Department of Education at the end of the comment period.

Tennessee hereby assures that, if the requested waiver is granted, Tennessee will submit to the U.S. Department of Education, by September 30, 2011, a report that sets forth the name and NCES District Identification Number for each LEA implementing the waiver.

Please feel free to contact me by phone or e-mail Dr. Debra E. Owens at 615-532-6297 or email Debbie.Owens@tn.gov if you have questions regarding this request. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. Opie", written over the word "Sincerely,".

Bruce Opie

BO/DEO:rf

Enclosure



The State requests comments on the following waiver requested from the U.S. Department of Education to be granted for the second semester of the 2010-2011 school year.

Waiver: A six month waiver of 34 C.F.R. § 200.32(f)(1), to allow local educational agencies (LEAs) within Tennessee with Title I schools that were newly identified as in school improvement in school year 2010-2011 to offer supplemental educational services (SES), in lieu of public school choice, to eligible students in Title I schools. These Title I schools are those identified as in the first year of school improvement. LEAs will count the funds providing SES to eligible students toward meeting the LEA's 20 percent obligation under C.F.R § 200.48.

Rationale: The waiver is needed because Tennessee implemented new content standards and assessments for grades 3 through 8 and high school for which Tennessee set achievement standards during summer 2010. This has resulted in a delay of final AYP determinations until mid year. This delay hampers the ability of LEAs to modify staffing levels and change transportation systems. In addition, the education of many students could be impacted by changing teachers in the middle of the year.

Please provide comments regarding the requested waiver, in writing via e-mail to Rita.Fentress@tn.gov, by December 17, 2010. All comments will be forwarded to the U.S. Department of Education.